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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,178	07/31/2003	Katsuhisa Kataoka	JP920020135US1	9826

25259 7590 03/23/2007		EXAMINER
IBM CORPORATION		PRICE, NATHAN E
3039 CORNWALLIS RD.		
DEPT. T81 / B503, PO BOX 12195	ART UNIT	PAPER NUMBER
REASEARCH TRIANGLE PARK, NC 27709	2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	10/632,178	KATAOKA, KATSUHISA
Office Action Summary	Examiner	Art Unit
	Nathan Price	2194

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003 and 04 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *8/4/2006*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 18 are pending.

Information Disclosure Statement

2.   The information disclosure statement filed 04 August 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

3.   Claims 3 – 6 and 10 – 18 are objected to because of the following informalities:

There is insufficient antecedent basis for numerous elements. For example, there is insufficient antecedent basis for "the processing" in lines 4 – 5 of claim 3 and "the same file name" in claims 4, 10 and 16. Claims 4 – 6, 11, 12, 17 and 18 inherit the deficiencies of claim(s) on which they are dependent.

Claims 13 – 18 recite a program allowing a computer to execute steps. It is not clear that the program causes the execution rather than merely not interfering with or preventing the execution.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 3 – 6, 9 – 12 and 15 – 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 3, 9 and 15, it is not clear if "or" near the end of the claims indicates that only one of the two functionalities is required to be present or if both functionalities are included, but only one is performed based on the condition (information being present in the cache). If only one of the two functionalities is required to be present, then no action is performed if the condition results in not performing the one present function.

Claims 12 and 18 recite the limitation "the first and second processing steps" in lines 2 – 3. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 7 – 18 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 7 – 18 do not appear to produce a useful, concrete and tangible result.

When the condition does not result in an action being performed, the claims do not

appear to produce a useful, concrete and tangible result. See also rejection of claims 9

and 15 under 35 U.S.C. 112, second paragraph. Also, it appears that some actions

(such as "to store" in the 4th step in claim 8) are not recited as being performed so as to

produce a useful, concrete and tangible result.

Claims 13 – 18 appear to recite elements that can be implemented in software

alone and are therefore rejected as software, per se. See MPEP 2106.01. It appears

that the claims do not include hardware necessary to realize the functionality of the

software. The claims are therefore rejected as being directed toward non-statutory

subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1 – 3, 7 – 9 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ayyagari et al. (US 7,020,681 B1; hereinafter Ayyagari) in view of

Patel (US 2002/0107881 A1).

7.   As to claim 1, Ayyagari teaches an interface apparatus for a structured

document, for performing processing of lexical analysis and processing of notifying an

application program of a processing requester of information relating to the structured

document in order with respect to the structured document requested to be processed

from the application program (abstract), the apparatus comprising:

        store means for associating the information notified to the application

program as with the structured document to store the information into a cache

(col. 4 lines 50 – 67); and

        first notification means for notifying the application program as the

processing requester of the information relating to the structured document in

order based on the information of the cache, when there is the information in the

cache with respect to the structured document as a processing object (col. 4

lines 50 – 67).

Ayyagari teaches processing XML documents (col. 4 lines 50 – 67), but fails to

specifically teach series of events and event set information. However, Patel teaches

the series of events and event set information associated with processing XML

documents (¶ 35). It would have been obvious to one of ordinary skill in the art at the

time Applicant's invention was made to combine these teachings because Ayyagari

teaches processing XML documents and Patel teaches what is involved in processing

XML documents.

8.   As to claim 2, combination of Ayyagari and Patel teaches:

         second notification means for reading the structured document whose

event set information is not in the cache to perform the processing of the lexical

analysis and the processing of notifying the application program as the

processing requester of the series of events relating to the structured document

in order (Ayyagari: col. 4 lines 50 – 67; Patel: ¶ 35),

         wherein the store means associates the series of events notified to the

application program by the second notification means as the event set

information with the structured document to store the information into the cache

(Ayyagari: col. 4 lines 50 – 67; Patel: ¶ 35).

9.   As to claim 3, combination of Ayyagari and Patel teaches an interface apparatus

for a structured document, comprising:

         first processing means for reading the structured document as a

processing request object to perform the processing of the lexical analysis, the

processing of notifying the application program as the processing requester of

the series of events relating to the structured document in order, and the

processing of associating the notified series of events as the event set

information with the structured document to store the information into the cache
(Ayyagari: col. 4 lines 50 – 67; Patel: ¶ 35);

second processing means for reading the event set information of the
cache with respect to the structured document as the processing request object
to notify the application program as the processing requester of the series of
events relating to the event set information in order (Ayyagari: col. 4 lines 50 –
67; Patel: ¶ 35); and

control means for checking whether or not the event set information of the
structured document as the processing object is in the cache to delegate the
processing concerning the structured document as the processing object to the
first processing means, when there is not the event set information in the cache,
or to delegate the processing concerning the structured document as the
processing object to the second processing means, when there is the event set
information in the cache (Ayyagari: col. 4 lines 50 – 67; Patel: ¶ 35).
See the rejection of claim 1 for further explanation.

10.   As to claims 7 – 9 and 13 – 15, see the rejection of claims 1 – 3.

11.   Claims 4 – 6, 10 – 12 and 16 – 18 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Ayyagari in view of Patel as applied to claims 3, 9 and 15 above, and
further in view of Coulouris (see PTO-892).

12.   As to claim 4, combination of Ayyagari and Patel teaches the control means

judges presence/absence of the event set information of the structured document as the

processing object in the cache, and judges that there is not the event set information in

the cache with respect to the structured document as the processing object, when the

event set information relating to a structured document having the same file name as

that of the structured document as the processing object exists in the cache (Ayyagari:

col. 4 lines 1 – 27, 50 – 67; Patel: ¶ 35).

13.   Ayyagari fails to specifically teach the condition of when the event set information

relates to a structured document before update of the existing structured document.

However, Coulouris teaches validating cached data (page 231 "Client caching"). It

would have been obvious to one of ordinary skill in the art at the time Applicant's

invention was made to combine these teachings because Ayyagari teaches using

caches and Coulouris teaches details about caching.

14.   As to claim 5, Ayyagari teaches the control means is a parser notified from the

application program of the processing requester of the structured document of the

processing request object by URL (col. 4 lines 50 – 67), making it obvious to use a URI.

15.   As to claim 6, Ayyagari teaches the first and second processing means are

mounted in corresponding parsers, whereas the control means is mounted in the

application program as the processing requester (col. 4 lines 50 – 67; col. 5 line 59 –

col. 6 line 28).

16.   As to claims 10 – 12 and 16 – 18, see the rejection of claim 4 – 6.

Conclusion

17.   The prior art made of record on the P.T.O. 892 that has not been relied upon is

considered pertinent to applicant's disclosure. Careful consideration of the cited art is

required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nathan Price whose telephone number is (571) 272-

4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

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SUPERVISORY PATENT EXAMINER